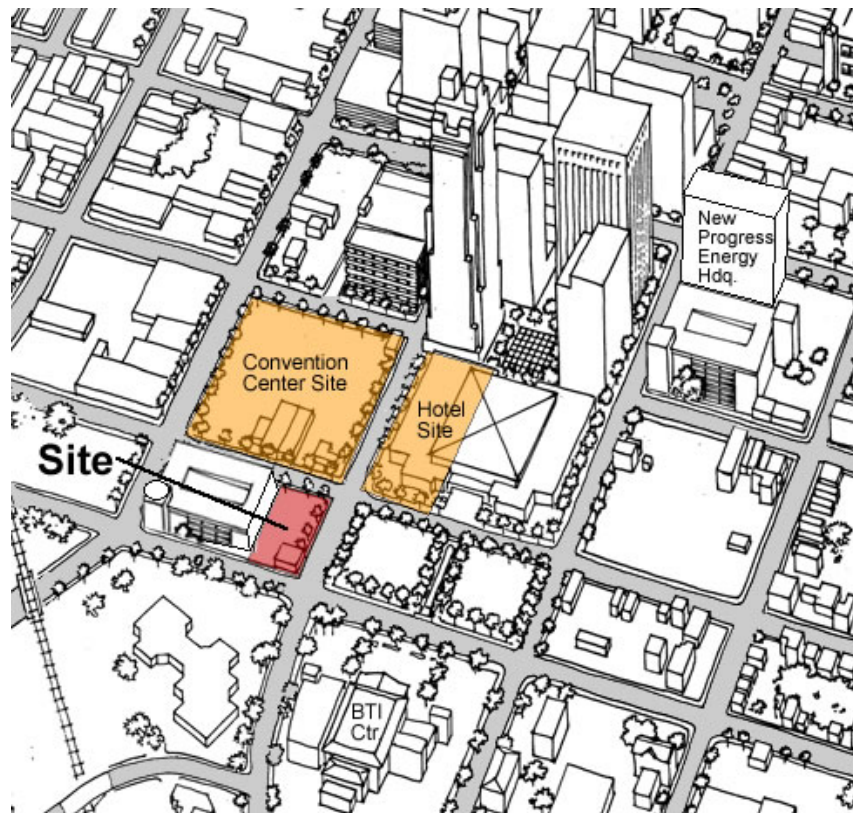




Request for Proposals

For Development of Publicly-Owned Property in Downtown Raleigh, North Carolina

City of Raleigh, North Carolina
J. Russell Allen, Raleigh City Manager



Development Site #4

- *Approx. 0.51 Acres (110' x 200') zoned Business District*
- *Directly across Lenoir Street from new Raleigh Convention Center*
- *Diagonally adjacent to both new Marriott City Center Hotel and planned 980-space underground parking facility*
- *Diagonally adjacent to BTI Center for the Performing Arts to the southeast*
- *Immediately adjacent to existing 1000-space BTI Center Parking Structure on the west*
- *Abuts developable City-owned parcels on the east*

March 14, 2005

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NOTICE OF REQUEST FOR DEVELOPMENT PROPOSALS

Issuance of Request: March 14, 2005

Response Required: Friday, ~~May 13~~ **June 17**, 2005, 5:00 pm, to be delivered to the Raleigh City Manager's Office, 222 West Hargett Street, Room 228, Raleigh, NC 27601.

Response Format: Responses will be accepted sealed, containing all information requested in the section entitled "Submittal Requirements" as noted in this document. Response shall include both paper and digital files as also noted in the Submittal Requirements section.

Additional copies of this RFP document: Additional copies of this document are available from the City Manager's Office, City of Raleigh, P. O. Box 590, Raleigh, NC 27602 (tel: (919) 890-3070), or by download from the City web site: www.raleigh-nc.gov (Click on "Current Projects", "Livable Streets").

The City of Raleigh reserves the right to reject any or all responses to the RFP, to advertise for new responses, or to accept any RFP response deemed to be in the best interests of the City.

Acceptance of any RFP should not be construed as a contract nor shall indicate any commitment on the part of the City for any future action. The RFP does not commit the City of Raleigh to pay for any costs incurred in the submission of a response to this RFP or for any cost incurred prior to the execution of a final contract.

J. Russell Allen
City Manager

Introduction

The City Council of the City of Raleigh has chosen to offer City-owned sites for development in Downtown Raleigh in the immediate vicinity of the existing BTI Center for the Performing Arts, a major regional performing arts venue that serves as the home of the North Carolina Symphony, and a new Convention Center / hotel complex currently under construction. This major public / private venture is part of the "Livable Streets Plan" for continued revitalization and economic development in downtown Raleigh, and is a key part of the City's overall economic development strategy. By offering City-owned properties in the vicinity of these facilities for development, the City hopes to support the concepts of the Livable Streets Plan and enhance the City's investment in these two major facilities.

Downtown Raleigh

Downtown Raleigh is the largest traditional downtown in the Research Triangle Region, an economic region centered on the Research Triangle Park. The region includes approximately 1.2 million residents encompassing the communities of Raleigh, Durham, Chapel Hill, Cary and is the home to several universities, including North Carolina State University, the University of North Carolina at Chapel Hill, Duke University, NC Central University, Shaw University, Meredith College, St. Augustine's College and Peace College.



Downtown Raleigh is the location of the State Capitol, Legislative Building, Governor's Mansion and many State Government offices. Raleigh's population growth has continued during slow economic times. The City of Raleigh is estimated to have 335,512 residents as of January 1, 2005, reflecting population growth of over of 59,000 since the year 2000. Raleigh is located in Wake County, one of the fastest-growing counties in the nation with a population estimated to exceed 950,000 by 2020. Wake County is expected to overtake Mecklenburg County (Charlotte) as the most populous county in the state by 2012. The median family income of the Raleigh / Durham / Chapel Hill MSA is the highest in the state of North Carolina at over \$69,800 per year (2004).

Over the past few years, Downtown Raleigh has been experiencing a resurgence of development interest, keyed by the initiation of construction of a Fortune 250 corporate headquarters building (Progress Energy), the construction of a number of residential condominium projects and the burgeoning development of the Glenwood South entertainment district. Nearby, in the last 4 years North Carolina State University's Centennial Campus has drawn a variety of private sector partners in pharmaceutical research, advanced engineering and NASA's



Mars Rover project, as well as the corporate headquarters of Red Hat, Inc., a major national developer of Linux operating system applications. Research Triangle Park (20 miles) is the home of major US facilities for IBM, Northern Telecom, Glaxo-Smith-Kline, US EPA, Cisco Systems and other technology companies. Approximately 30,000 people currently work in Downtown Raleigh.

More information on Downtown Raleigh, the Livable Streets Plan, current projects underway in both the public and private sectors is available on the Livable Streets Internet Site at <http://www.raleigh-nc.gov>. (Click on "Current Projects", then on "Livable Streets") More information on demographic characteristics of the market is available on the same web site (Click on "Government"; "About Raleigh"; "Raleigh Demographics")

The Livable Streets Plan

The Livable Streets Plan was generated by the Livable Streets Partnership, a multi-dimensional task force of business, neighborhood, institutional, governmental and education leaders who met over the period of a year to generate a new vision for downtown Raleigh. The Plan, approved by the Raleigh City Council in 2003, calls for a "Five in Five" strategy to accomplish 5 major goals in 5 years:

1. Construct a new Convention Center
2. Complete a renaissance for the Fayetteville Street Mall, including opening the former pedestrian mall to vehicular traffic
3. Make dramatic improvements to the pedestrian environment in the downtown, including considering the change from one-way to two-way streets on a number of downtown streets
4. Reform the regulatory climate to ensure facilitation of quality downtown construction projects and renovations
5. Expand downtown management to take a one-stop approach to management and advocacy for downtown interests



Convention Center Project

The new Raleigh Convention Center is under construction at a site ½ block west of proposed development Site # 1. The 500,000 square foot facility is being designed by a consortium of Thompson Ventulett, Stainback (TVS) of Atlanta, OBrien Atkins Associates of Research Triangle Park, NC and Clearscapes, Inc. of Raleigh, and will include a 150,000 square foot underground exhibit hall in Phase 1, with the ability to double the size of the exhibit hall in a



Phase 2 expansion. It will be connected to a 400-room 4-star Marriott City Center Hotel to be developed by Stormont-Noble Investments of Atlanta and designed by Cooper-Carry, also of Atlanta. The hotel will include an additional 15,000 square feet of meeting space to complement the Convention Center, a full service restaurant and bar, coffee shop and swimming pool. The opening date for both facilities is anticipated in January, 2008.

Fayetteville Street Renaissance

Also under construction is a re-designed Fayetteville Street, Raleigh's Main Street until the early 1970's, when it was converted into a pedestrian mall. This project involves the reconstruction of the street and sidewalk areas to re-open the street to vehicular traffic. The new design enhances the pedestrian environment, provides a high-quality pedestrian amenity area for outdoor restaurant seating and incorporates public art features such as a series of Capital Chandelier towers. The phase 1 portion of the project (first four blocks south of the State Capitol) will be under construction in March, 2005 and will be complete in June 2006. Phase 2 (south to Lenoir Street including along the frontage of development Site #1) will be under construction in early 2007 with completion in late 2007 in conjunction with the opening of the new Marriott Hotel.



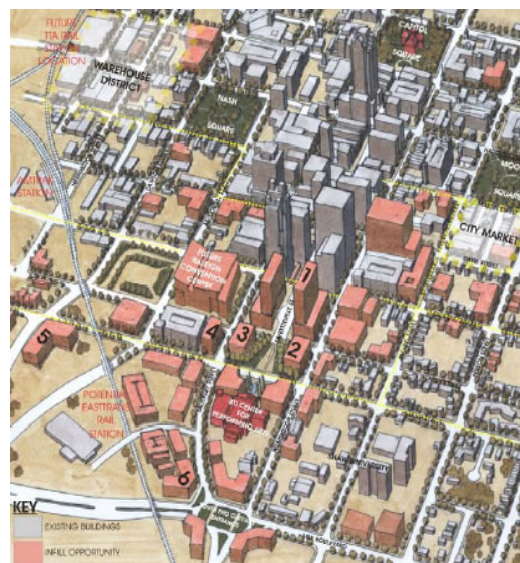
Underground Parking Structure

To make way for development of the Marriott Hotel and other private development on Development Site #1, the existing 70's-era convention center will be demolished. Upon removal of the old building the site will be excavated and a 4-level, 980-space parking structure will be constructed underneath the proposed hotel and the newly re-opened Fayetteville Street. This parking structure is being designed anticipating an expansion of approximately 640-spaces that can be constructed underneath Development Site #1. The City also operates three public parking structures within two blocks of this site, total of approximately 3500 spaces. The City Council has approved the financing for this facility and has selected the Construction Manager and approved a schedule for construction which begins in November, 2005, with completion expected by early 2007.

The Cultural / Convention District Strategic Development Plan

As a further attempt to continue momentum and implement the goals of the Livable Streets Plan, the Raleigh City Council has approved a market-based development strategy for City-owned sites near the new Convention Center and Fayetteville Street projects, and the existing BTI Center for the Performing Arts. Plan recommendations include:

- Complete the Fayetteville Street Renaissance project to at least Lenoir Street;
- Consider the development of a major open space in the block between Lenoir and South Streets;
- Offer Development Site #1 for a mixed-use development containing a combination of entertainment, health spa, residential or civic uses;



- Offer Development Sites #2 and #3 jointly or separately for development of two mixed-use buildings including residential / restaurant / health spa / arts-related uses;
- Offer Development Site #4 for a smaller, boutique hotel to complement the BTI Center and the Convention Center;
- Do not offer Development Site #5 for development at this time;
- Offer Development Site #6 for development as primarily a market-rate residential rental property, with a small office component – consider joint development with Chamber of Commerce and NCAE, who have adjacent, underutilized sites;
- Return Lenoir and South Streets to two-way operation.

This RFP and a companion RFP for Development Site #1 are the initial efforts to implement this plan. More information on the Cultural / Convention District Strategic Development Plan is available on the Livable Streets web site.

Development Site #4

The site the City is offering for development (Site #4) is approximately 0.51 acres in area, roughly 110' (E/W) by 220' (N/S). It is located on Salisbury Street immediately northwest of the BTI Center for the Performing Arts, adjacent to an existing City parking structure and the site of the new Raleigh Convention Center. The parcel currently is in use as a surface parking lot.

Abutting Streets and Land Use

Development Site #4 has frontage on Salisbury Street to the east, Lenoir Street to the north and South Street to the south. Wilmington and Salisbury Streets constitute a major one-way pair of streets that flank the Fayetteville Street corridor on the east and west. Salisbury is a one-way street heading south. Across Lenoir is the site of the new Raleigh Convention Center. Diagonally across Lenoir and Salisbury to the northeast is the site of a new 980-space underground parking structure and a 400-room Marriott City Center Hotel. Immediately abutting the site to the west is a City-owned, 1000-space parking structure. Financing of the structure allows use of up to 50% of its parking spaces to be utilized for private use. Across South Street is the headquarters of the North Carolina Association of Educators. A suggestion was made in the Cultural / Convention District Strategic Development Plan that the property occupied by the NCAE, in association with City development site #6 and the Greater Raleigh Chamber of Commerce Headquarters form a public-private re-development opportunity for a more intense use of the area just west of the BTI Center. Across Salisbury are two other development sites (Development Sites #2 and #3) identified by the City for development to support the Livable Streets program, that lie between this site and the BTI Center for the Performing Arts (<http://www.raleighconvention.com/bti.html>).

Zoning and Development Review

This site is zoned Business District, with Downtown Residential Housing Overlay District (DRHOD). This zoning classification allows a broad range of land uses including retail, office and residential with zero setbacks. DRHOD allows residential uses up to 320 units per acre. The downtown urban design guidelines call for buildings not to exceed 198 feet in height in



this district. The development scheme will require review and approval of a site plan by the City Council after review by City Commissions. The Council has the ability to vary the height guideline if other goals of the Comprehensive Plan are accomplished by specific features of the project.

Transportation

This site abuts Salisbury Street, a major thoroughfare running southbound. It is paired with Wilmington Street, a northbound one-way thoroughfare to the east of the Fayetteville Street corridor. Access is also available from Lenoir Street to the north, and South Street to the south. Lenoir and South form a one-way pair with Lenoir running westbound, and connect with Downtown Raleigh's major north-south arterial, the Dawson Street / McDowell Street one-way pair one block west. Lenoir and South are currently under study for conversion to two-way operation on both streets, which is expected to be implemented prior to the opening of the Convention Center and Hotel. The site is served directly by Capital Area Transit (local bus) and the Triangle Transit Authority (regional bus). A Triangle Transit Authority Regional Rail station is to be located on a site four blocks west. Regional commuter rail service is projected to be available in 2008. For more information on the Regional Rail project, see the Triangle Transit Authority web site (<http://www.ridetta.org/>). The Raleigh-Durham International Airport is 15 miles west of downtown Raleigh (<http://www.rdu.com/>).

Local Real Estate Market

Trends in Downtown Raleigh are encouraging for residential and entertainment uses. 353 residential units are currently under construction in downtown, primarily condominiums in the \$180,000 - \$600,000 range. A similar number of units have been completed in the last 3-4 years with an additional 320 units recently announced. The Glenwood South entertainment district has seen extraordinary growth over the past five years, with the development of two major mixed use buildings, a variety of restaurants and night clubs and the recent announcement of another major mixed-use residential / restaurant / retail structure to be built soon. The Downtown Raleigh office market along with the regional market has not been robust over the past three years in general, but vacancy rates in Downtown, even with the recent opening of a 400,000 square foot corporate headquarters building for Progress Energy, a Fortune 250 company, are lower than suburban markets in the region. Downtown is underserved by hotel rooms, with only the existing Sheraton Hotel (385 rooms) operating one block north, plus a Clarion Inn approximately ½ mile north on Hillsborough Street, and a small Days Inn on the northern fringe of downtown on Lane Street. A new 400-room Marriott City Center Hotel is to be developed as the headquarters hotel for the new Convention Center. For more detailed information on the local market, contact Ernest E. Bleinberger at Hunter Interests, Inc., tel: (410) 269-4133.

The City currently owns the entire site, as well as the existing parking structure to the west. The site had been envisioned as a possible hotel site when the adjacent parking deck was developed. Anticipating this, the financing for the parking structure allows up to 50% of the spaces to be utilized for private use. The current use of the site is for surface parking to support the BTT Center for the Performing Arts and the existing Raleigh Convention and Conference Center. The City is in the process of completing a Phase 1 environmental analysis of the site, which will be made available to potential developers. The City will cause the property to be recombined into a single site prior to development. The site potentially could be available for development in third quarter 2005.

Building program

The economic analysis done during the Cultural / Convention District Strategic Development Plan identified a preferred development scenario for Development Site #4 that is supportive of the Livable Streets program and appears to be feasible in the current market. This concept is

anchored by an 80-100 room luxury “boutique” hotel that could host a signature restaurant and also calls for 20 luxury condominium units whose owners would have access to hotel services and amenities. This concept has been successfully developed in other markets across the country. For more information on the development of the market scenarios that resulted in these recommended land use mixes, contact Ernest E. Bleinberger at Hunter Interests, Inc., tel: (410) 269-4133.

Public goals to be addressed

The development of this property must address specific goals of the City as expressed in the Livable Streets Plan. Any new development must:

1. Be complementary to the adjacent new convention center headquarters hotel, the new Convention Center, the BTI Center for the Performing Arts and other surrounding existing and potential developments;
2. Be appropriate for location adjacent to these prominent public buildings, and must architecturally address the street in a manner commensurate with the prominence of this location in Raleigh;
3. Have a ground level pedestrian use component, involving retail, entertainment, restaurant or other uses attractive to pedestrians along the adjacent sidewalks;
4. Bring new jobs and / or new visitors to Downtown Raleigh, and complement the City's investments in the BTI Center for the Performing Arts and Convention Center;
5. Provide the City with a reasonable value for the land upon which the development will be constructed.

Process for Choosing a Developer

The City will follow a three-step process to choose a Master Developer for the public properties outlined in this document:

Step 1: Request for Proposals (RFP)

Interested developers are encouraged to respond to this RFP with a development proposal. Proposals may be submitted for any of the development scenarios noted above, or may be submitted for an alternative development scenario that supports the Livable Streets Plan goals as outlined in this and other City publications. Meetings with key City staff and others regarding the details of the site and of surrounding project, the intent and progress of the Livable Streets plan, progress of surrounding key construction projects associated with these efforts, and any other subject helpful to development candidates in the preparation of proposals are encouraged and will be supported by the City during the proposal preparation period. Upon receipt of proposals, the submittals will be reviewed by a committee consisting of the City Manager, other key City staff and the City's economic / real estate consultant, Hunter Interests, Inc.

Step 2: Memorandum of Understanding (MOU)

Proposals will be evaluated and ranked by the review committee relative to the criteria noted in this document, and a short-list of qualified development candidates may be recommended to the City Council. Upon approval of the short-list, each development candidate will be invited for one or more formal interviews to discuss details of the development proposals. A draft Memorandum of Understanding will be prepared by the developer candidate and City staff based on the development proposal. The City's staff review team, assisted by Hunter Interests, Inc., will rank the short-list candidates proposals and recommend this list to the City Council. The Council will select the development team to be the developer for Site #1.

Step 3. Preparation of the Development Agreement

After approval of the City Council, the selected developer and the City will enter into negotiations on the final terms of the agreement to bring about the development of Site #1. This agreement will specify the relative roles and responsibilities of the City and the developer, the specific program to be developed, a schedule for development, and any specific financial or procedural details determined by the parties. After a negotiated agreement is deemed acceptable by the developer and by the City Manager, the development agreement will be recommended to the Raleigh City Council for final approval. Upon approval of the City Council, the agreement will be implemented.

The City reserves the right to change this process, and the timing of any step, based on its needs and on the responses to the RFP.

Submittal Requirements

The minimum requirements for consideration in the RFP process (Step 1 of the selection process) are as follows:

1. A transmittal letter must accompany the submittal, signed by a principal of the proposed development team. This must be accompanied by a "Certificate of Authority" listing the officers in the firm who are authorized to negotiate and execute agreements on behalf of the company.
2. Developer Information
 - a. Development Team Members
 - i. Primary contact name and contact information for all correspondence and legal notifications, including e-mail address of primary contact;
 - ii. Principal officers authorized to negotiate with the City;
 - iii. Specific identification of the Urban Design professionals responsible for that aspect of the project;
 - iv. Team organizational structure chart;
 - v. Description of the proposed legal structure of the team (i.e., joint venture, partnership, etc.);
 - b. Developer Experience
 - i. Firm development experience with comparable public / private downtown developments. Descriptions of former projects should include dates, nature of involvement both from a financial standpoint and from a management and implementation standpoint, implemented developments, sizes and uses, dates of completion, and references;
 - ii. Summary of key participant personal qualifications and the role they will play;
 - c. Developer History, Financial Position and Abilities
 - i. Description of the history of the development entity, other non-related development work undertaken successfully, unique skills

and / or markets in which the development entity has particular skill or ability;

- ii. Financial information that will show the relative financial strength of the development entity, its connections to equity markets, ability to finance complicated mixed-use projects, and success in the implementation of public / private ventures;

d. Proposed Associate Team Members

- i. Any other firms or entities that are suggested to be part of the development team, including, but not limited to architecture firms, planners, construction firms, construction management firms, marketing firms, etc., their primary representatives on the team and their relative qualifications as noted above.

3. Project Information

a. Written Description

- i. A written description of the proposed development project, noting its overall concept, its relationship to City goals as stated in the Livable Streets plan and in this document, and outlining any features that can be a unique asset to Downtown Raleigh in this location.

b. Program Proposal

- i. Proposed uses, square feet of each use, number of units if residential;
- ii. For hotel uses, proposed "flag" if a national corporate entity, proposed operator, operator experience and history in the market, number of rooms, size of rooms, special appointments, amenities, etc. that will be offered in the hotel;
- iii. If residential, specify for sale or rent, mix of different types and costs of units, general price or rent targets;
- iv. If retail or entertainment, specify retail types and footprints for each type of use, and give an example of another existing project or projects that is comparable to the quality and target market of the proposal;
- v. For other types of uses specify types and footprints, and give an example of another existing project or projects that is comparable to the quality and market target of the proposal;
- vi. Any proposed parking facilities to be included in the development;

c. Building Proposal

- i. Proposed building or buildings, construction type, proposed height, general dimensions and total square feet;
- ii. Illustrations indicating the bulk and general architectural massing of the proposal in context, showing the street level design treatment, and any unique architectural features that may affect adjacent properties, the City skyline or other City properties or streets;
- iii. Illustrations or other descriptions of how the building will be designed relative to all four facades, particularly considering Urban

- Design Guidelines regarding connections to the pedestrian environment on the adjacent public rights-of-way;
 - iv. Circulation diagrams showing pedestrian and vehicular access to the site and connections to other adjacent properties or public areas;
 - v. Any other building details that may illustrate the overall character of the proposal relative to others;
 - vi. Any transportation improvements necessary to support the proposal;
 - d. Project Schedule
 - i. A realistic draft project schedule that specifies key development and financial milestones, construction commencement, completion and opening;
4. Financial Information
- a. Financing
 - i. Proposed financing method, debt-to-equity ratio, types of debt to be utilized;
 - ii. Financial partners, equity partners, financial institutions with which developer will create a relationship in this project;
 - iii. Information about the stability and dependability of financial partners;
 - iv. General proforma for development of the project;
 - v. Amount of direct equity in the project by the developer;
 - b. Relationship to City
 - i. Proposed site utilization, lease or purchase, proposed terms and schedules;
 - ii. Any other financial relationship involving the City, such as proposed lease terms for parking spaces in any City facility
5. Special Conditions
- a. Any and all special conditions that the Developer may wish to propose or ask the City to provide as part of the final Development Agreement;
 - b. Identification of the opportunities for the enhancement of locally based enterprise and the creation of jobs for existing residents of the downtown community;
6. Statement of MWBE Participation
- a. Indication of the good faith efforts to be used to encourage Minority and Women-Owned Business Enterprise (MWBE) participation in the project;
 - b. Strategies or opportunities offered for long-term career enhancement for MWBE firms in the Raleigh area;

Submittal Instructions

Please submit (1) paper original of the RFP response document in 8 ½" x 11" format, (1) digital version of the RFP response document on compact disk in a commonly-accepted computer format such as MS Word Document (.doc) or Portable Document Format (.pdf), and (15) paper copies of the RFP response document in 8 ½" x 11" format. If large-format drawings or exhibits are included in the submittal, copies of these exhibits shall be reduced to 8 ½" x 11" format (or folded 11" x 17" format) and shall be included with the (1) original, (1) digital copy and (15) paper copies as noted above. The RFP response document shall address each item in the Submittal Requirements section of this RFP, above, and must be received prior to the deadline on ~~May 13~~ **June 17**. The City of Raleigh reserves the right to request additional information after submittal as may be necessary to adequately assess each response.

Responses must be sealed and clearly marked with the following: "RFP Response - Downtown Raleigh Development Site #4". Submittals must be received no later than 5:00 pm on ~~May 13~~ **June 17**, 2005, and should be delivered to:

Daniel Howe, Assistant City Manager
City of Raleigh, North Carolina
Room 228, Raleigh Municipal Building
222 West Hargett Street
Raleigh, NC 27601
Tel: (919) 890-3070

Additional information related to the Convention Center process, Livable Streets plan, the status of projects in Downtown Raleigh and other information relative to the context of this request is available on the Livable Streets web site, which is hosted on the main City web site: www.raleigh-nc.gov (Click on "Current Projects", "Livable Streets").

General information about the City is available on the City web site: www.raleigh-nc.gov (Click on "Government", "About Raleigh", "Raleigh Demographics").

Digital copies of this document in Portable Document Format (.pdf) are available on the Livable Streets web site, as noted above.

Any questions or clarifications regarding definitions or interpretations of this RFP must be submitted in writing (e-mail is OK) no later than March 18 to:

Daniel Howe, Assistant City Manager
P. O. Box 590
Raleigh, NC 27602
FAX: (919) 890-3080
EMAIL: daniel.howe@ci.raleigh.nc.us

Schedule

The City intends to proceed in accordance with the schedule noted below. The City reserves the right to alter the schedule at any point in the process, but agrees to provide adequate notice to respondents should the schedule be amended.

3/14/2005 Request for Proposals Published

3/25/2005 Last day for written questions to be received on the RFP document intent or document interpretations. Requests for meetings, telephone conferences or video conferences to discuss a potential proposal or to learn more about the market or the City's other projects may be scheduled at any time through the

Assistant City Manager. Questions may also be addressed to the City's economic / real estate consultant, Ernest Bleinberger at Hunter Interests, Inc. (410) 269- 0033, e-mail

5/13/2005	Proposals due by 5:00 pm (City Manager's office – 222 W. Hargett Street, Room 228, Raleigh , NC 27601.)
May, 2005	Developer Candidate Interviews (schedule to be determined)
6/21/2005	Short-list recommendation to City Council
July, 2005	MOU Negotiations (schedule to be determined)
8/2/2005	Developer recommendation to City Council
TBD	Development Agreement negotiations begin
TBD	Final Development Agreement approved by City Council

Selection Criteria

The Raleigh City Council is ultimately responsible for selecting a developer for Site #4. The staff committee and Council will thoroughly evaluate proposals based on the following criteria (not necessarily in priority order):

- Experience on similar projects.
- The qualifications and experience of each team member to be assigned a stated role on the development team.
- The Developer's understanding of and proven ability to meet expectations on this type of public / private partnership.
- The ability of the Developer to arrange financing of the project, and the ability of the Developer to make projects successful financially for the City as well as for the development entity.
- The responsiveness of the proposed development concept to the stated objectives in the Livable Streets Plan and in the Convention Center review process.
- The quality of the hotel product proposed, and the reputation of the operator of the hotel regarding successful operation of similar facilities.
- The level of creativity shown in the development proposal that may help the final product generate year-round, day and night activity in the southern end of downtown Raleigh.
- The level of creativity and planning shown in addressing urban design issues surrounding the subject properties, the Convention Center and the BTI Center for the Performing Arts, including but not limited to pedestrian and vehicular access, the surrounding pedestrian environment, the architectural presence of any buildings on Raleigh's skyline, and mixture of land uses that will be complementary to the physical and programmatic environment of the Convention Center, Fayetteville Street and the BTI Center for the Performing Arts.
- The degree to which the plan proposed by the developer for MWBE participation will be able to meet minority and women business enterprise goals (city goal is 15%

participation in any project), and creativity shown in expanding the meaningful job opportunities for residents of Raleigh, particularly downtown residents.

- Timely coordination of the development of the subject tracts with the new convention center construction schedule.
- Other factors deemed important to the City Manager or City Council.

Conditions and Limitations

This RFP does not represent a commitment or offer by the City of Raleigh to enter into an agreement with a respondent or to pay any costs incurred in the preparation of a response to this RFP. The timely responses and any information made a part of the responses will not be returned to the sender. The RFP and the selected Developer's response to this RFP may, by reference, become a part of the final Development Agreement between the Developer and the City of Raleigh resulting from this solicitation.

The respondent shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the City of Raleigh, the City's appointed task force in the selection process, the City of Raleigh Convention and Visitor's Bureau, the Downtown Raleigh Alliance, the Raleigh Convention and Conference Center, Wake County, the State of North Carolina, the Raleigh Chamber of Commerce or any other organization that may have a clear interest in the outcome of the selection process, for the purposes of influencing the outcome of the RFP response selection process. All questions shall be forwarded in writing to Daniel Howe, Assistant City Manager, City of Raleigh, at the address noted earlier in this document.

The respondent shall not collude in any manner or engage in any practices with any other respondent(s), which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the respondent(s) submittal(s) to be rejected by the City. The prohibition is not intended to preclude joint ventures or subcontracts.

All responses submitted must be the original work product of the respondent. The copying, paraphrasing or otherwise using of substantial portion of the work product of another respondent is not permitted. Failure to adhere to this instruction will cause the response to be rejected.

The City of Raleigh has sole discretion and reserves the right to reject any and all responses received with respect to this RFP and to cancel the RFP at any time prior to entering into a formal agreement. The City reserves the right to reasonably request additional information or clarification of information provided in the response without changing the terms of the RFP.

The Respondent must furnish a "Certificate of Authority", signed by the Chief Executive Officer or managing partner of the company with its response. The certificate must list the specific officers who are authorized to execute agreements on behalf of the company.

Confidentiality of Documents

In general, documents that are submitted as part of the response to this RFP will become public records, and will be subject to public disclosure. North Carolina General Statutes Sections 132-1.2 and 66-152 provide a method for protecting some documents from public disclosure. If the Developer follows the procedures prescribed by those statutes and designates a document "confidential" or "trade secret", the City will withhold the document from public disclosure to the extent that it is entitled or required to do so by applicable law. Please consult with the Raleigh City Attorney, Thomas McCormick prior to designating any document as "confidential" or "trade secret" (tel: 919-831-6560).

If the City determines that a document that the Developer has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the City will provide notice of that determination to the contact person designated by the Developer, in any reasonable manner that the City can provide such notice, at least five business days prior to its public disclosure of the document. If the developer does not designate anyone to receive such notice the City will not have any obligation to provide any notice of a determination of non-confidentiality. If the Developer does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the Developer does not initiate judicial proceedings to protect the confidentiality of the document, the City will not have any obligation to withhold the document from public disclosure.

By submitting to the City a document that the Developer designates as "confidential" or "trade secret", the Developer agrees that in the event a third party brings any action against the City or any of its officials or employees to obtain disclosure of the document, the Developer will indemnify and hold harmless the City and each organization's affected officials and employees from all costs, including attorney's fees incurred by or assessed against any defendant, of defending against such action. The Developer also agrees that at the City's request the Developer will intervene in any such action and assume all responsibility for defending against it, and that the Developer's failure to do so will relieve the City of all further obligations to protect the confidentiality of the document.